

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

United States of America,)	
)	
)	Case No.: 3:25-cr-00007
Plaintiff,)	
)	DEFENDANT’S MOTION FOR
vs.)	RELEASE AND HEARING REQUEST
)	
Domonique Octvia Byers,)	
)	
Defendant.)	

The Defendant, Domonique Octvia Byers (Mr. Byers), by and through his attorney, Adam Justinger, moves this Court for pretrial release so that he can reside at The Salvation Army Adult Rehabilitation Center located at 900 N. Fourth Street, Minneapolis, MN 55401. Mr. Byers has been detained since February 24, 2025. Mr. Byers is currently incarcerated in Jamestown, North Dakota at the Stutsman County Correction Center. Mr. Byers moves this Honorable Court for an Order of Pretrial Release based upon the following:

1. Defendant is charged in a one count Indictment. (Doc. 1). Mr. Byers is charged with Conspiracy to Possess with Intent to Distribute and Distribute Controlled Substances. Id.
2. A detention hearing took place on February 26, 2025 in the United States District Court for the Northern District of Ohio. (Doc. 35-2). The Court Ordered Mr. Byers detained pending trial (Doc. 35-5).
3. On April 25, 2025, Mr. Byers was arraigned in the United States District Court District of North Dakota. Mr. Byers pled not guilty to the indictment. During the arraignment, the Court indicated that Mr. Byers would remain detained based on the previous detention order.

4. On April 29, 2025, Mr. Byers filed a motion for the revocation of the previous detention order. (Doc. 47). The United States opposed this Motion. (Doc. 54). On May 23, 2025, the Court issued a jury trial notice setting trial for July 22, 2025. (Doc. 64). On June 5, 2025, the Court denied Mr. Byers motion for revocation of the previous detention order. (Doc. 73).
5. Since filing his original motion, Mr. Byers has been accepted into The Salvation Army Adult Rehabilitation Center in Minneapolis, MN. *See Exhibit 1*. This program requires a minimal stay of 180 days. *Id.* Further, The Salvation Army can arrange for travel to transport Mr. Byers to their facility. *Id.*
6. Currently, Mr. Byers' girlfriend and his two kids reside in Minneapolis, MN. Mr. Byers was the primary provider for his family before he was incarcerated. His family has suffered serious financial struggles due to his incarceration. Mr. Byers also has other family in the Minneapolis area including his father.
7. Mr. Byers also has had consistent employment. He has worked for DoorDash, Auntie Anne's, Perkins, Taco John's, and Chic-Fil-A. Mr. Byers would have no issue getting employment if he is released. He also regularly attends church and volunteers at a homeless shelter.
8. Mr. Byers also has a limited criminal history. It appears his most recent conviction was about 6 years ago in 2019. The pretrial service report does not indicate that he has had any issues on pretrial release. The records also do not indicate that he has ever missed a court date. Mr. Byers is not a flight risk.
9. It should also be noted that as of the date of this filing, Mr. Byers and his counsel have not received any discovery in this matter. The previous detention order relied

in part on the fact that Mr. Byers allegedly spoke with agents about turning himself in. Due to not receiving discovery, Mr. Byers has not been able to refute that claim or hear what words were actually spoken during this conversation. Further, trial is supposed to commence in approximately one month. Without any discovery being disclosed to date, the trial will likely have to be moved. This was in no way attributable to Mr. Byers.

10. Pursuant to 18 U.S.C. § 3142(f), there is new information that has been presented that has a material bearing on Mr. Byers' release. The new information outlined above supports the release of Mr. Byers pending trial.
11. Undersigned counsel has reached out to Pretrial Services to notify them of this release plan. Pretrial services has indicated that their office does work with The Salvation Army in Minneapolis, MN.

For the reasons stated above, Mr. Byers respectfully requests that the Court **GRANT** his Motion for Release.

Dated this 17th day of June, 2025.



Digitally signed by
Adam Justinger
Date: 2025.06.17
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Adam Justinger (ND ID #08635)
SW&L Attorneys
4627 44th Avenue South, Suite 108
Fargo, North Dakota 58104
Telephone: (701) 297-2890
Fax: (701) 297-2896
adam.justinger@swlattorneys.com
ATTORNEYS FOR DEFENDANT